



**Monteiro &  
Fishman** LLP  
ATTORNEYS AT LAW

Main Office:  
91. N. Franklin Street  
Suite 108  
Hempstead, New York 11550  
Tel.: 516/280.4600  
Fax: 516/280.4530  
MFLawNY.com

Marcus Monteiro  
516/280.4600 ext. 301  
mmonteiro@mflawny.com

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**VIA ECF**

The Honorable Judge Arelene R. Lindsay  
United States Magistrate Judge  
Eastern District of New York  
814 Federal Plaza  
Central Islip, New York 11722

RE: *Gutierrez et al. v. Davinici's Restaurant et al.*  
Civ. No.: 20-05380

Dear Judge Lindsay:

I represent Plaintiffs in this wage/overtime case. I write this letter in reply to Defendants opposition filed earlier today and in further support of Plaintiffs' motion seeking attorneys' fees of \$16,650.00 in compliance with the Court's June 27, 2022 Order.

In their opposition, Defendants and their counsel take no responsibility for their delays in providing Court Ordered discovery demanded over 1.5 years ago and their shell game regarding Defendants' representation. Indeed, Defendants were told by this Court to "get on the ball" over a year ago (July 6, 2021) by Judge Kathleen Tomlinson but have still failed to do so.

Defendants' incoming counsel does not deny that he initially claimed that he represented Christina and George Bouzalas and Davinci's Restaurant in early December 2021, and that I wrote to him on December 20, 2021 stating that: "There have been many delays in this case since inception. At this point I must insist that all response are timely provided and all Court Orders strictly adhered to." However, despite operating as functioning counsel, Defendants' incoming attorney was not even admitted to this Court until February 2022 and only filed a substitution of counsel for all Defendants earlier today.

Defendants now take issue with Plaintiffs' attorney invoices, where such invoices were accrued by delays and confusion wholly and exclusively caused by them. It should be noted that Plaintiffs requested that Defendants Answer be stricken for their discovery defaults and the imposition of attorneys' fees was one of the least severe penalties this Court could have imposed (to say nothing of the confusion regarding party representation).

Plaintiffs have bent over backwards these past years to make every accommodation to allow Defendants to right their ship. They have defaulted on these opportunities time and time again. While we can't capture the time caused by Defendants' delays, Defendants should be made to bear some responsibility resulting from their improper delays and the confusion caused by their attorney representation.

I thank the Court for considering this application.

Very truly yours,

/s/  
Marcus Monteiro